



February 20, 2004

ENGROSSED SENATE BILL No. 152

DIGEST OF SB 152 (Updated February 17, 2004 2:47 pm - DI 69)

Citations Affected: IC 13-11; IC 13-17; IC 13-18; noncode.

Synopsis: Emission testing and onsite sewage systems. Provides that a rule adopted by the air pollution control board that requires periodic motor vehicle emissions tests may not require a motor vehicle to be tested to demonstrate initial compliance with air emission control standards until six calendar years after the model year of the vehicle. Prohibits adoption of a rule by the state department of health (ISDH) if the proposed rule applies the nitrate and nitrite numeric criteria included in groundwater quality standards adopted by the water pollution control board for onsite sewage systems. Voids any rule adopted by ISDH to the extent that the rule is adopted for that purpose. Requires the department of environmental management and ISDH to jointly prepare a report concerning onsite sewage systems and nitrates and nitrites in groundwater.

Effective: Upon passage; July 1, 2004.

Gard, Riegsecker

(HOUSE SPONSORS — BOTTORFF, WOLKINS)

January 6, 2004, read first time and referred to Committee on Environmental Affairs.
January 13, 2004, amended, reported favorably — Do Pass.
January 20, 2004, read second time, ordered engrossed.
January 21, 2004, engrossed.
January 22, 2004, read third time, passed. Yeas 44, nays 2.

HOUSE ACTION

February 4, 2004, read first time and referred to Committee on Environmental Affairs.
February 19, 2004, amended, reported — Do Pass.

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ES 152—LS 6551/DI 52+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 152

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-144.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 144.8. "Onsite sewage**
4 **system", for purposes of IC 13-18-17, means:**

5 (1) **all equipment and devices necessary for proper onsite:**

6 (A) **conduction;**

7 (B) **collection;**

8 (C) **storage; and**

9 (D) **treatment; and**

10 (2) **absorption in soil;**
11 **of sewage from a residence or a commercial facility.**

12 SECTION 2. IC 13-17-5-6 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) A rule adopted
14 by the board under air pollution control laws that:

15 (1) **requires periodic motor vehicle emissions tests; and**

16 (2) **makes new vehicles exempt from the emissions tests for a**
17 **time;**

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may not require that new vehicles be presented at an official vehicle inspection station for the purpose of obtaining a certificate of compliance.

(b) A rule adopted by the board under air pollution control laws that:

(1) requires periodic motor vehicle emissions tests; and

(2) makes certain vehicles exempt from the emissions test due to the length of time since the vehicles were manufactured;

may not require that those vehicles be presented at an official vehicle inspection station for the purpose of obtaining a certificate of compliance.

(c) A rule adopted by the board under air pollution control laws that requires periodic motor vehicle emissions tests may not require a motor vehicle to be tested to demonstrate initial compliance with air emission control standards until six (6) calendar years after the model year of the vehicle.

SECTION 3. IC 13-18-17-5, AS AMENDED BY P.L.168-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The ~~water pollution control~~ board shall adopt rules under IC 4-22-2 establishing groundwater quality standards that include numeric and narrative criteria, a groundwater classification plan, and a method of determining where the groundwater quality standards must apply. The standards established under this subsection shall be used for the following purposes:

(1) To establish minimum compliance levels for groundwater quality monitoring at regulated facilities.

(2) To ban the discharge of effluents into potable groundwater.

(3) To establish health protection goals for untreated water in water supply wells.

(4) To establish concentration limits for contaminants in ambient groundwater.

(b) Except as provided in subsection (c) and subject to subsection (d), the following agencies shall adopt rules under IC 4-22-2 to apply the groundwater quality standards established under this section to activities regulated by the agencies:

(1) The department.

(2) The department of natural resources.

(3) The state department of health.

(4) The office of the state chemist.

(5) The office of the state fire marshal.

(c) The executive board of the state department of health may not adopt rules to apply the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules

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1 adopted by the board under subsection (a) to onsite sewage
2 systems.

3 (d) Any rule adopted by the executive board of the state
4 department of health is void to the extent that the rule applies the
5 nitrate and nitrite numeric criteria included in groundwater
6 quality standards established in rules adopted by the Indiana water
7 pollution control board under subsection (a) to onsite sewage
8 systems.

9 SECTION 4. [EFFECTIVE UPON PASSAGE] (a) For purposes of
10 this SECTION, "onsite sewage system" has the meaning set forth
11 in IC 13-11-2-144.8.

12 (b) The department of environmental management and the state
13 department of health shall jointly:

14 (1) prepare a report that includes the following:

15 (A) a review of literature and recent research to document:

16 (i) the effect of nitrates and nitrites in drinking water on
17 public health;

18 (ii) the effect of onsite sewage systems on levels of
19 nitrates and nitrites in groundwater;

20 (iii) the movement of nitrates and nitrites in soils; and

21 (iv) the onsite sewage system technologies available to
22 achieve compliance with the nitrate and nitrite numeric
23 criteria included in the groundwater quality standards
24 under 327 IAC 2-11, as in effect January 1, 2004; and

25 (B) the impact if newly installed onsite sewage systems
26 were required to comply with the nitrate and nitrite
27 numeric criteria included in the groundwater quality
28 standards under 327 IAC 2-11, as in effect January 1,
29 2004, including:

30 (i) the number of residences and commercial facilities
31 affected; and

32 (ii) the cost of implementation; and

33 (2) submit the report referred to in subdivision (a) before
34 January 1, 2009, to:

35 (A) the governor;

36 (B) the executive director of the legislative services agency
37 in an electronic format under IC 5-14-6; and

38 (C) the environmental quality service council.

39 (c) This SECTION expires January 1, 2009.

40 SECTION 5. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 152, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 20, after "the" insert "**nitrate and nitrite**".

Page 2, line 24, after "applies the" insert "**nitrate and nitrite**".

Page 2, between lines 27 and 28, begin a new paragraph and insert:
"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION, "onsite sewage system" has the meaning set forth in IC 13-11-2-144.8.

(b) The department of environmental management and the state department of health shall jointly:

(1) prepare a report that includes the following:

(A) a review of literature and recent research to document:

(i) the effect of nitrates and nitrites in drinking water on public health;

(ii) the effect of onsite sewage systems on levels of nitrates and nitrites in groundwater;

(iii) the movement of nitrates and nitrites in soils; and

(iv) the onsite sewage system technologies available to achieve compliance with the nitrate and nitrite numeric criteria included in the groundwater quality standards under 327 IAC 2-11, as in effect January 1, 2004; and

(B) the impact if newly installed onsite sewage systems were required to comply with the nitrate and nitrite numeric criteria included in the groundwater quality standards under 327 IAC 2-11, as in effect January 1, 2004, including:

(i) the number of residences and commercial facilities affected; and

(ii) the cost of implementation; and

(2) submit the report referred to in subdivision (a) before January 1, 2009, to:

(A) the governor;

(B) the executive director of the legislative services agency in an electronic format under IC 5-14-6; and

(C) the environmental quality service council.

(c) This SECTION expires January 1, 2009."

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 152 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 6, Nays 1.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 152, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 2. IC 13-17-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) A rule adopted by the board under air pollution control laws that:

- (1) requires periodic motor vehicle emissions tests; and
- (2) makes new vehicles exempt from the emissions tests for a time;

may not require that new vehicles be presented at an official vehicle inspection station for the purpose of obtaining a certificate of compliance.

(b) A rule adopted by the board under air pollution control laws that:

- (1) requires periodic motor vehicle emissions tests; and
- (2) makes certain vehicles exempt from the emissions test due to the length of time since the vehicles were manufactured;

may not require that those vehicles be presented at an official vehicle inspection station for the purpose of obtaining a certificate of compliance.

(c) A rule adopted by the board under air pollution control laws that requires periodic motor vehicle emissions tests may not require a motor vehicle to be tested to demonstrate initial compliance with air emission control standards until six (6) calendar years after the model year of the vehicle."

and when so amended that said bill do pass.

(Reference is to SB 152 as printed January 14, 2004.)

BOTTORFF, Chair

Committee Vote: yeas 11, nays 1.

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